



Department of Defense **INSTRUCTION**

May 14, 1992
NUMBER 5595.7

IG, DoD

SUBJECT : Titling and Indexing of Subjects of Criminal
Investigations in the Department of Defense

- References: (a) Public Law 95-452, " **The** Inspector General Act of 1978, " October 12, 1978, as amended by Public Law 97-252, " Department of Defense Authorization Act, " September 8, 1982 (also cited as Appendix 3 of Title 5, United States Code)
- (b) DoD Directive 5106.1, "Inspector General of the Department of Defense, " March 14, 1983
- (c) Sections 801-940 of Title 10, United States Code, " **Uniform** Code of Military Justice" (UCMJ)

A. PURPOSE

This Instruction:

1. Is issued under the authority of the Inspector General of the Department of Defense, in accordance with references (a) and (b) .
2. Establishes policy, assigns responsibilities, and prescribes procedures to provide a uniform standard for titling and indexing of criminal investigations in the Department of Defense.

B. APPLICABILITY

This Instruction applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Unified and Specified Commands, the Inspector General of the Department of Defense, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components") .

C. DEFINITIONS

Terms used in this Instruction are defined in enclosure 1.

D. POLICY

1. The primary purpose for titling and indexing an individual or entity as the subject of a criminal investigation

is to ensure that information in a report of investigation can be retrieved at some future time for law enforcement and security purposes.

2. The Department of Defense established the Defense Clearance and Investigations Index (**DCII**) to act as a computerized central index of investigations for all DoD investigative activities.

3. The DoD standard that shall be applied when titling and indexing the subjects of criminal investigations is a determination that credible information exists that a person or entity may have committed a criminal offense or is otherwise made the object of a criminal investigation.

4. Titling is an operational rather than a legal decision and final responsibility for the decision to title an individual or entity shall rest with the investigative officials designated to do so by the DoD Components.

E. RESPONSIBILITIES

The Heads of the DoD Components shall issue or modify existing regulations to implement this Instruction.

F. PROCEDURES

1. The act of titling and indexing shall not, in and of itself, connote any degree of guilt or innocence.

2. Judicial or adverse administrative actions shall not be taken SOLELY on the basis of the fact that a person has been titled in an investigation.

3. This Instruction does not preclude the titling and indexing of "incidentals" in the **DCII** when there is valid reason. Some examples of such titling and indexing are:

a. Using the name of the person, military installation, command or activity against whom a crime has been committed where no suspects have been identified.

b. Using the name of a project or description of an incident where the focus of an investigation is not a person, corporation or other legal entity or organization.

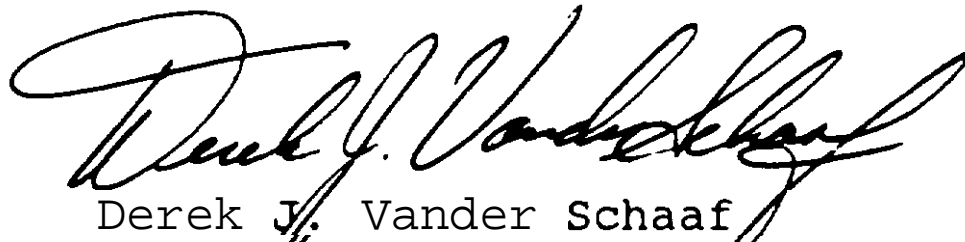
4. The fact that an investigation has started and the identity of the subject when known shall be reported by the investigative Agency to the **DCII** for indexing. This reporting shall be made at the start of the investigation and in accordance with **DCII** procedures.

a. Generally, once the subject of an investigation is indexed, the name shall not be removed from the **DCII**.

b. Names of subjects in a criminal investigation shall only be removed from the DCII in the case of mistaken identity; i.e., the wrong person's name is entered into the DCII, as opposed to the fact that the person is found not to have committed the offense under investigation or that the offense did not occur.

G. EFFECTIVE DATE AND IMPLEMENTATION

This Instruction is effective immediately. Forward two copies of implementing documents to the Inspector General of the Department of Defense within 120 days.



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Enclosure

Definitions

DEFINITIONS

1. Credible Information. Information disclosed or obtained by an investigator that, considering the source and nature of the information and the totality of the circumstances, is sufficiently believable to indicate criminal activity has occurred and would cause a reasonable investigator under similar circumstances to pursue further the facts of the case to determine whether a criminal act occurred or may have occurred.
2. Criminal Investigations. Refers to investigations of possible criminal violations of the United States Code, the Uniform Code of Military Justice (reference (c)) , or when appropriate, State or local statutes or ordinances or foreign law.
3. Incidentals. Any person or entity associated with a matter under investigation and whose identity may be of subsequent value for law enforcement or security purposes.
4. Indexing. The recording of information so that an orderly retrieval process may be used to identify and access a particular file or investigation.
5. Subject. A person, corporation, other legal entity, or organization about which credible information exists that would cause a reasonable person to suspect the person, corporation, other legal entity, or organization may have committed a criminal offense, or otherwise make a person, corporation, legal entity, or organization the object of a criminal investigation.
6. Titling. Placing the name(s) of a person(s) , corporation(s) , other legal entity, organization(s) , or occurrence(s) in the subject block for a criminal investigation.